

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LA SHARON ADKINS,
Plaintiff,
vs.
HYUNDAI MOTOR AMERICA; *et al.*,
Defendants.

Case No. 2:12-cv-01612-GMN-GWF

ORDER

This matter comes before the Court on Plaintiff's Motion to Amend the Complaint (#44), filed on February 27, 2013. Defendant Henderson Hyundai Superstore, Inc. ("Defendant") filed an Opposition (#48) on March 14, 2013. Plaintiff filed a Reply (#49) on March 19, 2013. Defendant filed a Supplement (#51) to its Opposition on April 1, 2013.

Plaintiff seeks leave to add claims for (1) failure to pay overtime in violation of the Fair Labor Standards Act (“FLSA”) and (2) retaliation in violation of the FLSA. Plaintiff alleges that documents produced by Defendant on or about February 21, 2013 revealed that Plaintiff worked over forty hours in a week without overtime pay, and that at least one witness heard Plaintiff complain about her hours shortly before her termination. In its opposition, Defendant claims the extant time sheets suggest that Plaintiff worked 86.67 hours in a two-week pay period, or 6.67 hours of overtime. In its Supplement (#51), Defendant represents it sent a check to Plaintiff on March 28, 2013 for \$163.11, less withholdings, to compensate Plaintiff for the alleged unpaid overtime. Before deciding whether to grant Plaintiff’s Motion for Leave to Amend the Complaint, the Court will give Plaintiff an opportunity to respond to Defendant’s Supplement (#51).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall, no later than **April 22, 2013**, file a supplemental brief to her Motion for Leave to Amend (#44) that states whether, in light of the payment Defendant sent to Plaintiff, she believes an FLSA claim still exists regarding the alleged unpaid overtime.

DATED this 16th day of April, 2013.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge